

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JOSE CONEJO

v.

ADAN PINA III, GELCO FLEET TRUST
and DISH NETWORK L.L.C.

§
§
§
§
§
§
§

C.A. NO. _____

JURY DEMAND

NOTICE OF REMOVAL

COMES NOW, GELCO FLEET TRUST and DISH NETWORK L.L.C., Defendants, and files this, their Notice of Removal and would respectfully show unto the Court as follows:

1. The Petitioners, GELCO Fleet Trust and DISH Network L.L.C., are Defendants in an action now pending in County Court at Law #8 of Hidalgo County, Texas, under Cause No. CL-19-0291-H styled *Jose Conejo, Plaintiff v. Adan Pina III, GELCO Fleet Trust and Dish Network L.C., Defendants*. GELCO Fleet Trust and DISH Network L.L.C., were both served with Plaintiff's Original Petition on January 22, 2019. Attached hereto is the Plaintiff's Original Petition together with copies of all process and pleadings served on or by Petitioners in such action. Also enclosed is an Index of Matters, and a List of Attorneys as required under Local Rules for the Southern District of Texas.

2. The cause of action alleged in the Plaintiff's Original Petition is a civil action over which this Court has jurisdiction under the provisions of 28 U.S.C., Section 1332, and is one which may be removed to this Court by the Defendants, GELCO Fleet Trust and DISH Network L.L.C., pursuant to 28 U.S.C., Section 1441(b) for two reasons. This is a civil action in which GELCO Fleet Trust and DISH Network L.L.C., are the only Defendants who have been properly joined and served as of the date of this removal; and because the amount in controversy exceeds

the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of two different states. More specifically, Paragraph IX of Plaintiff's Original Petition seeks monetary relief in an amount that \$200,000.00 but no more than \$1,000,000.00.

3. GELCO Fleet Trust and DISH Network L.L.C., are informed and believe that the Plaintiff is, and still is, a citizen of the State of Texas. The Defendant, GELCO Fleet Trust was, at the time of the filing of this action, and still is, a foreign business trust organized under the State of Delaware with its principal place of business in Maryland. GELCO Fleet Trust was at the time of filing of this action, and still is, a trust owned and managed by Element Fleet Management (US) Corp., a Maryland corporation with its principal place of business in the State of Maryland.

4. The Defendant DISH Network L.L.C., was, at the time of the filing of this action, and still is, a Colorado limited liability company having its principal place of business in Englewood, Colorado. Defendant is a single member limited liability company. The single member is DISH DBS Corporation. DISH DBS Corporation is a Colorado corporation having its principal place of business in Englewood, Colorado.

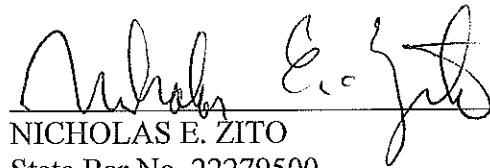
5. This case may be removed pursuant to 28 U.S.C. § 1441(b) as GELCO Fleet Trust and DISH Network L.L.C., are the only Defendants properly joined and served, are not incorporated in the State of Texas and their principal place of business is not located in the State of Texas.

6. This Notice of Removal is being filed within thirty (30) days of receipt of the Plaintiff's Original petition which is the pleading from which this Defendants first ascertained that this case is one which is or has become removable. This Notice of Removal is also filed less than one year after the commencement of this lawsuit.

WHEREFORE, Petitioners pray that the above cause of action now pending against them in the County Court #8 of Hidalgo County, Texas be removed therefrom to this Court.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

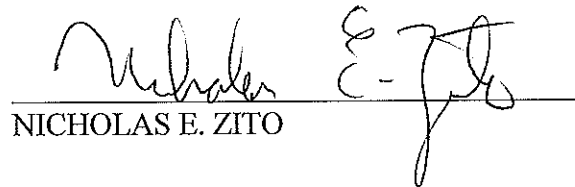


NICHOLAS E. ZITO
State Bar No. 22279500
750 Bering Drive, Suite 600
Houston, Texas 77057
(713) 266-0074 (phone)
(713) 266-1064 (fax)
nez@ramey-chandler.com

ATTORNEYS FOR DEFENDANTS
GELCO FLEET TRUST AND
DISH NETWORK L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument was forwarded to all interested parties this 25th day of January, 2019, via facsimile, electronic delivery/service and/or certified mail.



NICHOLAS E. ZITO